

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 24

January 18, 1995, 7:34 p.m.
Page S-1060 Temp. Record

UNFUNDED MANDATES/State Mandates on Local Governments

SUBJECT: Unfunded Mandate Reform Act of 1995 . . . S. 1. Bradley perfecting amendment No. 141 to the Gorton perfecting amendment No. 31, as amended, to the language proposed to be stricken by the committee amendment beginning on page 25, line 11.

ACTION: AMENDMENT AGREED TO, 93-5

SYNOPSIS: Pertinent votes on this legislation include Nos. 15-23, 25-41, 43-45, and 47-61.

As reported by the Governmental Affairs Committee and the Budget Committee, S. 1, the Unfunded Mandate Reform Act of 1995, will create 2 majority (51-vote) points of order in the Senate. The first will lie against the consideration of a bill or joint resolution reported by an authorizing committee if it contains mandates and if Congressional Budget Office (CBO) cost estimates on those mandates are unavailable. The second point of order will lie against the consideration of a bill, joint resolution, motion, amendment, or conference report that will cause the total cost of unfunded intergovernmental mandates in the legislation to exceed \$50 million.

The committee amendment beginning on page 25, line 11, would strike the provision that would give the Governmental Affairs Committee in the Senate, and the Committee on Government Reform and Oversight in the House, the authority to make the final determination on whether proposed legislation contains a Federal mandate. It would also strike the provision providing that the levels of Federal mandates for a fiscal year will be determined based on the estimates of the respective budget committees. (The Budget Committee, which considered the bill sequentially in accordance with Budget Act requirements, struck these provisions with this one amendment).

The Gorton amendment to the language proposed to be stricken by the committee amendment, as amended (see vote No. 23), would express the sense of the Senate: that Goals 2000 history standards that were developed before February 1, 1995 should not be approved or certified; that Goals 2000 history standards should not be based on standards developed primarily by the National Center for History in the Schools prior to February 1, 1995; and that any recipient of funds for the development of Goals 2000 history standards should have a decent respect for the contributions of western civilization, and United States history, ideas, and institutions,

(See other side)

YEAS (93)				NAYS (5)		NOT VOTING (2)	
Republican (46 or 90%)		Democrats (47 or 100%)		Republicans (5 or 10%)	Democrats (0 or 0%)	Republicans (2)	Democrats (0)
Ashcroft	Jeffords	Akaka	Hollings	Abraham		D'Amato- ²	
Bennett	Kassebaum	Baucus	Inouye	Gorton		Helms- ²	
Bond	Kempthorne	Biden	Johnston	Hutchison			
Brown	Kyl	Bingaman	Kennedy	McCain			
Burns	Lott	Boxer	Kerrey	Warner			
Chafee	Lugar	Bradley	Kerry				
Coats	Mack	Breaux	Kohl				
Cochran	McConnell	Bryan	Lautenberg				
Cohen	Murkowski	Bumpers	Leahy				
Coverdell	Nickles	Byrd	Levin				
Craig	Packwood	Campbell	Lieberman				
DeWine	Pressler	Conrad	Mikulski				
Dole	Roth	Daschle	Moseley-Braun				
Domenici	Santorum	Dodd	Moynihan				
Faircloth	Shelby	Dorgan	Murray				
Frist	Simpson	Exon	Nunn				
Gramm	Smith	Feingold	Pell				
Grams	Snowe	Feinstein	Pryor				
Grassley	Specter	Ford	Reid				
Gregg	Stevens	Glenn	Robb				
Hatch	Thomas	Graham	Rockefeller				
Hatfield	Thompson	Harkin	Sarbanes				
Inhofe	Thurmond	Heflin	Simon				
			Wellstone				

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

to the increase of freedom and prosperity around the world.

The Bradley amendment would express the sense of the Senate: that States should not shift costs to local governments, which often leads to property tax increases; that State legislatures should not impose unfunded mandates on local governments without first fully considering those mandates; and that a primary objective of this Act should be to reduce taxes and spending at all levels and to end the practice of shifting costs with little or no benefit to taxpayers.

Those favoring the amendment contended:

Citizens love having money spent on them by the government, but they do not love being taxed to pay for that spending. The Federal Government has increasingly avoided the second half of this equation by making the States do the taxing. It imposes the mandate, so it can take credit for the benefits being provided, and it makes the State pay for it. This bill appropriately will make it more difficult for the Federal Government to engage in this deceptive, irresponsible practice. However, the Federal Government is not the only culprit. States also are guilty of imposing unfunded mandates. They order the provision of services, and they make local governments pay for them. The result, in most cases, is higher property taxes, because property taxes are the main source of revenue for local governments. The American taxpayers' main concern is their total tax burden, not how this burden is divided among Federal, State, and local governments. They do not simply want the Federal Government to stop cost shifting, with its resulting higher tax rates; they want an end to all cost shifting and all resulting higher tax rates. The Bradley amendment properly calls attention to this fact. It expresses the sense of the Senate that States should follow the Federal Government's lead on S. 1. We urge those Senators who agree that States should not impose unfunded mandates any more than the Federal Government should to join us in voting in favor of the Bradley amendment.

Those opposing the amendment contended:

We must oppose the Bradley amendment, even though we strongly support the idea that mandate costs should not be forced upon subordinate units of government. The Federal Government should not place mandates on the States, and the States should not place mandates on local governments. However, the United States Senate has no business opining on the proper relationship between State and local governments. Under our federalist system, certain matters simply are beyond the ken of the Federal Government, and we believe that State-local relations are one such matter. Accordingly, we will vote against adoption of the Bradley amendment.